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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,463	11/13/2001	Matthew S. Chang	50P4159	5547
7590 01/13/2005				
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			EXAMINER BONSHOCK, DENNIS G	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/054,463		CHANG ET AL.	
	Examiner		Art Unit	
	Dennis G. Bonshock		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Response to Amendment

It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 07-31-2004.

Claims 1-18 have been examined.

Status of Claims:

Claims 1-3, 5-10, and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcuri et al., Patent #6,121,968, hereinafter Arcuri.

Claims 4 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri and Siefert et al., Patent #5,726,688, hereinafter Siefert.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcuri et al., Patent #6,121,968, hereinafter Arcuri.

3. With regard to claim 1, which teaches a method of adapting a user interface for simplifying use of a consumer electronic device, comprising the steps of: initially configuring a display on the user interface with a plurality of features of the consumer electronic device, Arcuri teaches, in column 2, lines 9-21, dynamically changing a set of executable commands, in which the

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commands initially take the form of a short menu. With regard to claim 1, further teaching monitoring usage of each of the plurality of features by the user of the consumer electronic device, and the monitoring step generating usage statistics on a user-by-user basis based on the monitored usage, Arcuri teaches, in column 2, lines 23-34, the collection, and use of usage information in providing adaptive user interfaces that each meet the personal needs of the user. With regard to claim 1, further teaching adapting the plurality of features on the basis of the usage, Arcuri teaches, in column 2, lines 19-29, adapting features based on stored usage statistics. With regard to claim 1, further teaching reconfiguring the display with the adapted plurality of features, Arcuri teaches, in column 2, lines 19-42, generating a display of the usage based menus.

4. With regard to claims 2 and 9, which teach the adapting step adding features to the plurality of features when the generated statistics indicate the user has achieved a predetermined level of proficiency, Arcuri teaches, in column 2, lines 19-29 and in column 7, line 51 through column 8, line 9, specific features being added based on the users continued usage of specific elements.

5. With regard to claims 3 and 10, which teach the adapting step removing features from the plurality of features when the generated statistics indicate the user infrequently accesses the features to be removed, Arcuri teaches, in column 2, lines 19-29 and in column 4, lines 59-64, the user removing items because of the limited usage of the particular item.

6. With regard to claims 5 and 12, which teach the user manually adapting the plurality of features for display, Arcuri teaches, in column 1, lines 46-51 and

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in column 11, lines 30-35, the user manually being able to edit the displayed features.

7. With regard to claims 6 and 17, which teach the step of prompting the user to enable the adapting step, thereby placing the user interface into a learning mode, Arcuri teaches, in column 3, lines 25-31 and in column 17, lines 19-31, the step of checking to see if a particular bit is set that allows for a certain usage areas to be analyzed.

8. With regard to claims 7 and 18, which teach the step of prompting the user to enable the adapting step, thereby placing the user interface into a simplifying mode, Arcuri teaches, in column 3, lines 25-31, the step of determining if the usage information should be analyzed.

9. With regard to claim 8, which teaches an adaptable user interface for simplifying user of a consumer electronic device, comprising: initially configuring a display on the user interface with a plurality of features of the consumer electronic device, Arcuri teaches, in column 2, lines 9-21, dynamically changing a set of executable commands, in which the commands initially take the form of a short menu. With regard to claim 8, further teaching input means for inputting commands corresponding to the displayed plurality of features, Arcuri teaches, in column 6, lines 43-60, input means for providing the basic interface between the computer and the user. With regard to claim 8, further teaching monitoring usage of each of the plurality of features by the user of the consumer electronic device, and the monitoring step generating usage statistics on a user-by-user basis based on the monitored usage, Arcuri teaches, in column 2, lines 23-34,

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the collection, and use of usage information in providing adaptive user interfaces that each meet the personal needs of the user. With regard to claim 8, further teaching adapting the plurality of features on the basis of the usage, Arcuri teaches, in column 2, lines 19-29, adapting features based on stored usage statistics. With regard to claim 8, further teaching reconfiguring the display with the adapted plurality of features, Arcuri teaches, in column 2, lines 19-42, generating a display of the usage based menus.

10. With regard to claim 13, which teaches the electronic device being a set top box, Arcuri teaches, in column 6, line 43-60, the system being a satellite dish system, which is known in the art to comprise a set top box usually controlled by a remote.

13. With regard to claim 14, which teaches the input means being integrated into a consumer electronic device, Arcuri teaches, in column 6, line 43-60, input means coupled to an electronic device.

14. With regard to claim 15, which teaches input means being a remote control for use with the electronic device, Arcuri teaches, in column 6, line 43-65, the input device being a microphone, a key pad, a touch sensor, a joystick, a game pad, a satellite dish, a scanner, or the like, Arcuri further goes on to teach a remote peer device.

15. With regard to claim 16, which teaches the input means being integrated with the display, Arcuri teaches, in column 6, line 43-65, the input device being connected to a monitor.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri and Siefert et al., Patent #5,726,688, hereinafter Siefert.

18. With regard to claims 4 and 11, Arcuri teaches, a system which changes the commands displayed to the user based on usage information (see column 2, lines 9-21), but doesn't specifically mention prompting the user to accept or reject changes to the displayed features. Siefert teaches a system for modifying the features displayed to a user based on usage information (see column 2, lines 15-30); but further teaches providing the user with an option to change the menu to reflect usage (see column 2, line 55 through column 3, line 8). It would have been obvious to one of ordinary skill in the art, having the teachings of Arcuri and Siefert before him at the time the invention was made to modify the adaptable display system of Arcuri to include the confirmation screen, as did Siefert. One would have been motivated to make such a combination because this would provide a user that has been using an application for a focused function different from it's normal use to be able to retain the most frequently used set of features.

Response to Arguments

19. The arguments filed on 07-31-2004 have been fully considered but they are not persuasive. Reasons set forth below.

20. The applicants' argue that Acuri doesn't teach a menu being expanded based on features of the short menu or using statistics based on usage.

21. In response, the examiner respectfully submits that Acuri teaches, in column 4, lines 41-51, a short menu having an expanded form (long menu) where usage information is used to adapt the short menu to the users personal needs. Acuri further teaches, in column 4, lines 52-67, analysis of user usage to add or remove elements in the menu.

22. The applicants' argue that selection of an item not on the short menu is the only way in Acuri to modify the short menu, whereas in claim 1, the user interface is modified based on statistics gleaned from usage of features on the user interface itself.

23. In response, the examiner respectfully submits that Acuri further teaches, in column 4, lines 52-67, the analysis of user usage to add or remove elements in the menu, where the menu used for adaptation is part of the UI.

24. The applicants' argue that the features of Acuri appear always enabled.

25. In response, the examiner respectfully submits that Acuri teaches, in column 17, lines 19-31, the setting of Allow_Decay bit, where setting the bit to "1" analyzes usage and setting the bit to "0" does not analyze usage.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

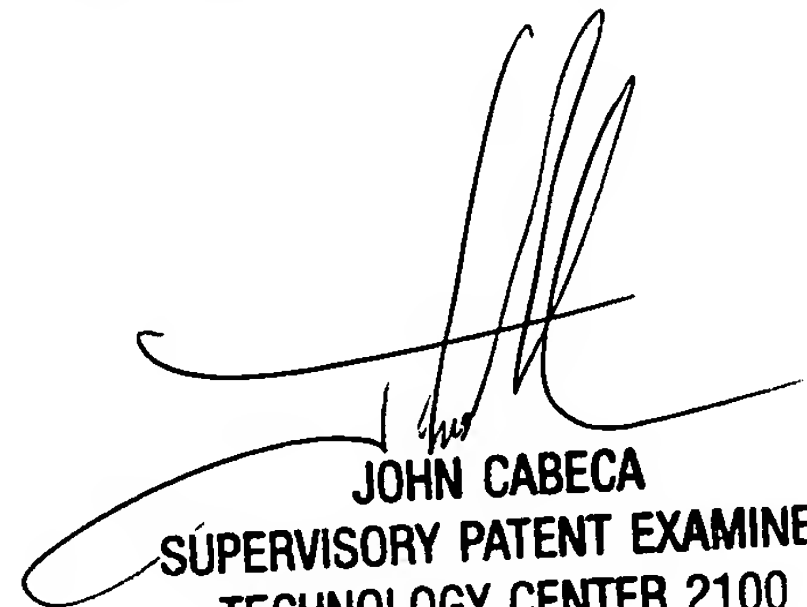
28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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